



January 22, 2008

HOUSE BILL No. 1089

DIGEST OF HB 1089 (Updated January 17, 2008 1:05 pm - DI 96)

Citations Affected: IC 25-1; IC 25-16.5; noncode.

Synopsis: Fire sprinkler contractors and installers. Requires the fire prevention and building safety commission to certify: (1) automatic fire sprinkler contractors; (2) journeyman automatic fire sprinkler fitters; and (3) automatic fire sprinkler system apprentices. Exempts certain contractors from the requirements. Establishes requirements for certification. Makes it a Class B misdemeanor for a person to engage in certain acts concerning fire sprinkler certification requirements. Makes technical corrections, including corrections undoing changes made in 2007 under Joint Rule 20 to resolve certain technical conflicts. (It is necessary to undo those changes because of the veto of one enrolled act.)

Effective: July 1, 2008.

Niezgodski

January 8, 2008, read first time and referred to Committee on Labor and Employment.
January 22, 2008, reported — Do Pass.

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HB 1089—LS 6636/DI 96+



January 22, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1089

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-2-2.1, AS AMENDED BY P.L.200-2007,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]: Sec. 2.1. Rather than being issued annually, the
4 following permits, licenses, certificates of registration, or evidences of
5 authority granted by a state agency must be issued for a period of two
6 (2) years or for the period specified in the article under which the
7 permit, license, certificate of registration, or evidence of authority is
8 issued if the period specified in the article is longer than two (2) years:
9 (1) Certified public accountants, public accountants, and
10 accounting practitioners.
11 (2) Architects and landscape architects.
12 (3) Dry cleaners.
13 (4) Professional engineers.
14 (5) Land surveyors.
15 (6) Real estate brokers.
16 (7) Real estate agents.
17 (8) Security dealers' licenses issued by the securities

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- 1 commissioner.
- 2 (9) Dental hygienists.
- 3 (10) Dentists.
- 4 (11) Veterinarians.
- 5 (12) Physicians.
- 6 (13) Chiropractors.
- 7 (14) Physical therapists.
- 8 (15) Optometrists.
- 9 (16) Pharmacists and assistants, drugstores or pharmacies.
- 10 (17) Motels and mobile home community licenses.
- 11 (18) Nurses.
- 12 (19) Podiatrists.
- 13 (20) Occupational therapists and occupational therapy assistants.
- 14 (21) Respiratory care practitioners.
- 15 (22) Social workers, marriage and family therapists, and mental
- 16 health counselors.
- 17 (23) Real estate appraiser licenses and certificates issued by the
- 18 real estate appraiser licensure and certification board.
- 19 (24) Wholesale legend drug distributors.
- 20 (25) Physician assistants.
- 21 (26) Dietitians.
- 22 (27) Hypnotists.
- 23 (28) Athlete agents.
- 24 (29) Manufactured home installers.
- 25 (30) Home inspectors.
- 26 (31) Registered interior designers.
- 27 (32) Massage therapists.
- 28 **(33) Automatic fire sprinkler contractors, journeyman**
- 29 **automatic fire sprinkler fitters, and automatic fire sprinkler**
- 30 **system apprentices.**

31 SECTION 2. IC 25-1-2-6, AS AMENDED BY P.L.185-2007,
 32 SECTION 1, AND AS AMENDED BY P.L.200-2007, SECTION 3, IS
 33 CORRECTED AND AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) As used in this section,
 35 "license" includes all occupational and professional licenses,
 36 registrations, permits, and certificates issued under the Indiana Code,
 37 and "licensee" includes all occupational and professional licensees,
 38 registrants, permittees, and certificate holders regulated under the
 39 Indiana Code.

40 (b) This section applies to the following entities that regulate
 41 occupations or professions under the Indiana Code:

- 42 (1) Indiana board of accountancy.

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- 1 (2) Indiana grain buyers and warehouse licensing agency.
- 2 (3) Indiana auctioneer commission.
- 3 (4) Board of registration for architects **and** landscape architects.
- 4 ~~and registered interior designers.~~
- 5 (5) State board of barber examiners.
- 6 (6) State board of cosmetology examiners.
- 7 (7) Medical licensing board of Indiana.
- 8 (8) Secretary of state.
- 9 (9) State board of dentistry.
- 10 (10) State board of funeral and cemetery service.
- 11 (11) Worker's compensation board of Indiana.
- 12 (12) Indiana state board of health facility administrators.
- 13 (13) Committee of hearing aid dealer examiners.
- 14 (14) Indiana state board of nursing.
- 15 (15) Indiana optometry board.
- 16 (16) Indiana board of pharmacy.
- 17 (17) Indiana plumbing commission.
- 18 (18) Board of podiatric medicine.
- 19 (19) Private ~~detectives~~ *investigator and security guard* licensing
- 20 board.
- 21 (20) State board of registration for professional engineers.
- 22 (21) Board of environmental health specialists.
- 23 (22) State psychology board.
- 24 (23) Indiana real estate commission.
- 25 (24) Speech-language pathology and audiology board.
- 26 (25) Department of natural resources.
- 27 (26) State boxing commission.
- 28 (27) Board of chiropractic examiners.
- 29 (28) Mining board.
- 30 (29) Indiana board of veterinary medical examiners.
- 31 (30) State department of health.
- 32 (31) Indiana physical therapy committee.
- 33 (32) Respiratory care committee.
- 34 (33) Occupational therapy committee.
- 35 (34) Social worker, marriage and family therapist, and mental
- 36 health counselor board.
- 37 (35) Real estate appraiser licensure and certification board.
- 38 (36) State board of registration for land surveyors.
- 39 (37) Physician assistant committee.
- 40 (38) Indiana dietitians certification board.
- 41 (39) Indiana hypnotist committee.
- 42 (40) Attorney general (only for the regulation of athlete agents).

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(41) Manufactured home installer licensing board.

(42) Home inspectors licensing board.

(43) *State board of massage therapy.*

(44) Fire prevention and building safety commission.

~~(43) (44)~~ (45) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 3. IC 25-1-4-0.3, AS AMENDED BY P.L.185-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 0.3. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects **and** landscape architects **and registered interior designers** (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).

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- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27-1).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (37) Fire prevention and building safety commission (IC 22-12-2-1).**

SECTION 4. IC 25-1-7-1, AS AMENDED BY P.L.185-2007, SECTION 4, AS AMENDED BY P.L.193-2007, SECTION 4, AND AS AMENDED BY P.L.200-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

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- 1 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 2 (2) Board of registration for architects **and** landscape architects
- 3 **and registered interior designers** (IC 25-4-1-2).
- 4 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 5 (4) State board of barber examiners (IC 25-7-5-1).
- 6 (5) State boxing commission (IC 25-9-1).
- 7 (6) Board of chiropractic examiners (IC 25-10-1).
- 8 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 9 (8) State board of dentistry (IC 25-14-1).
- 10 (9) State board of funeral and cemetery service (IC 25-15-9).
- 11 (10) State board of registration for professional engineers
- 12 (IC 25-31-1-3).
- 13 (11) Indiana state board of health facility administrators
- 14 (IC 25-19-1).
- 15 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 16 (13) Indiana state board of nursing (IC 25-23-1).
- 17 (14) Indiana optometry board (IC 25-24).
- 18 (15) Indiana board of pharmacy (IC 25-26).
- 19 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 20 (17) Board of podiatric medicine (IC 25-29-2-1).
- 21 (18) Board of environmental health specialists (IC 25-32-1).
- 22 (19) State psychology board (IC 25-33).
- 23 (20) Speech-language pathology and audiology board
- 24 (IC 25-35.6-2).
- 25 (21) Indiana real estate commission (IC 25-34.1-2).
- 26 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 27 (23) Department of natural resources for purposes of licensing
- 28 water well drillers under IC 25-39-3.
- 29 (24) Respiratory care committee (IC 25-34.5).
- 30 (25) Private ~~detectives~~ investigator and security guard licensing
- 31 board ~~(IC 25-30-1-5.1)~~ (IC 25-30-1-5.2).
- 32 (26) Occupational therapy committee (IC 25-23.5).
- 33 (27) Social worker, marriage and family therapist, and mental
- 34 health counselor board (IC 25-23.6).
- 35 (28) Real estate appraiser licensure and certification board
- 36 (IC 25-34.1-8).
- 37 (29) State board of registration for land surveyors
- 38 (IC 25-21.5-2-1).
- 39 (30) Physician assistant committee (IC 25-27.5).
- 40 (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- 41 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- 42 (33) Indiana hypnotist committee (IC 25-20.5-1-7).

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- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) *State department of health.*
- ~~(37)~~ **(38) State board of massage therapy (IC 25-21.8-2-1).**
- (39) Fire prevention and building safety commission (IC 22-12-2-1).**
- ~~(38)~~ **(40) Any other occupational or professional agency created after June 30, 1981.**

SECTION 5. IC 25-1-8-1, AS AMENDED BY P.L.185-2007, SECTION 5, AND AS AMENDED BY P.L.200-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:
 Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects **and** landscape architects **and registered interior designers** (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-11-2-4), for purposes of

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certifying polygraph examiners under IC 25-30-2.

(25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(26) Private ~~detectives~~ investigator and security guard licensing board ~~(IC 25-30-1-5.1)~~. (IC 25-30-1-5.2).

(27) Occupational therapy committee (IC 25-23.5-2-1).

(28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).

(29) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(30) State board of registration for land surveyors (IC 25-21.5-2-1).

(31) Physician assistant committee (IC 25-27.5).

(32) Indiana athletic trainers board (IC 25-5.1-2-1).

(33) Board of podiatric medicine (IC 25-29-2-1).

(34) Indiana dietitians certification board (IC 25-14.5-2-1).

(35) Indiana physical therapy committee (IC 25-27).

(36) Manufactured home installer licensing board (IC 25-23.7).

(37) Home inspectors licensing board (IC 25-20.2-3-1).

(38) State board of massage therapy (IC 25-21.8-2-1).

(39) Fire prevention and building safety commission (IC 22-12-2-1) for purposes of registering:

(A) automatic fire sprinkler contractors;

(B) journeyman automatic fire sprinkler fitters; and

(C) automatic fire sprinkler system apprentices.

~~(38) (39)~~ **(40)** Any other occupational or professional agency created after June 30, 1981.

SECTION 6. IC 25-1-8-6, AS AMENDED BY P.L.185-2007, SECTION 6, AND AS AMENDED BY P.L.197-2007, SECTION 20, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) As used in this section, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects **and** landscape architects **and registered interior designers** (IC 25-4-1-2).

(3) Indiana athletic trainers board (IC 25-5.1-2-1).

(4) Indiana auctioneer commission (IC 25-6.1-2-1).

(5) State board of barber examiners (IC 25-7-5-1).

(6) State boxing commission (IC 25-9-1).

(7) Board of chiropractic examiners (IC 25-10-1).

(8) State board of cosmetology examiners (IC 25-8-3-1).

(9) State board of dentistry (IC 25-14-1).

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- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee ~~on~~ of hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private ~~detectives~~ investigator and security guard licensing board ~~(IC 25-30-1-5.1)~~ (IC 25-30-1-5.2).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (37) Fire prevention and building safety commission (IC 22-12-2-1).**

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration *and except as provided in section 8 of this chapter*, the holder of a license, certificate,

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or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
 - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period~~ or
 - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration *and except as provided in section 8 of this chapter*, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
 - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period~~ or
 - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule

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that is not related to fees.

SECTION 7. IC 25-1-11-1, AS AMENDED BY P.L.185-2007, SECTION 7, AND AS AMENDED BY P.L.200-2007, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects **and** landscape architects **and registered interior designers** (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- (12) Real estate appraiser licensure **and** certification board (IC 25-34.1-8).
- (13) Private ~~detectives~~ *investigator and security guard* licensing board ~~(IC 25-30-1-5.1).~~ (IC 25-30-1-5.2).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) *State board of massage therapy* (IC 25-21.8-2-1).
- (17) **Fire prevention and building safety commission (IC 22-12-2-1).**

SECTION 8. IC 25-16.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

ARTICLE 16.5. FIRE SPRINKLER CONTRACTORS AND INSTALLERS

Chapter 1. Application

Sec. 1. This article applies to a person that:

- (1) conducts a business involving the installation, maintenance, replacement, or repair of an automatic fire sprinkler system; or
- (2) installs automatic fire sprinkler systems.

Sec. 2. This article does not apply to a person that is:

- (1) an architect acting within the scope of the person's registration;

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(2) an engineer acting within the scope of the person's registration;

(3) a contractor engaged in work on:

(A) bridges;

(B) roads;

(C) streets;

(D) highways;

(E) railroads; or

(F) utilities and services incidental to the work on bridges, roads, streets, highways, or railroads; or

(4) a sewer contractor, a sewage disposal contractor, an excavation contractor, or a utilities contractor who generally engages in the business of installing, altering, or repairing:

(A) sewers;

(B) private or public sewage disposal systems; and

(C) water distribution or drainage lines;

outside the foundation walls of a building.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Automatic fire sprinkler contractor" means a person that conducts a business involving the installation, maintenance, replacement, or repair of an automatic fire sprinkler system.

Sec. 3. "Automatic fire sprinkler system", for fire protection purposes, means an integrated system of underground and overhead piping designed in accordance with the rules of the commission. The system may include:

(1) a water supply, including:

(A) a gravity tank;

(B) a fire pump;

(C) a reservoir;

(D) a pressure tank; or

(E) a connection beginning at the supply side of a gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems;

(2) an aboveground network of specially sized or hydraulically designed piping installed in a building or part of a building to which sprinklers are connected in a systematic pattern;

(3) a controlling valve and a device for actuating an alarm

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when the system is in operation; and

(4) activation of the system by heat from a fire and discharge of water over the fire area.

Sec. 4. "Automatic fire sprinkler system apprentice" means an individual who is:

(1) engaged in learning and assisting in the installation of automatic fire sprinkler systems; and

(2) employed by an automatic fire sprinkler contractor or a journeyman automatic fire sprinkler fitter.

Sec. 5. "Certificate holder" means a person who holds a certificate of registration under this article as:

(1) an automatic fire sprinkler contractor;

(2) a journeyman automatic fire sprinkler fitter; or

(3) an automatic fire sprinkler system apprentice.

Sec. 6. "Commission" means the fire prevention and building safety commission established by IC 22-12-2-1.

Sec. 7. "Journeyman automatic fire sprinkler fitter" means an individual who is engaged in the installation of automatic fire sprinkler systems.

Sec. 8. "Municipality" has the meaning set forth in IC 36-1-2-11.

Sec. 9. "Person" means an individual, a partnership, a limited liability company, or a corporation.

Chapter 3. Certification Requirements

Sec. 1. A person may not conduct a business involving the:

(1) installation;

(2) maintenance;

(3) replacement; or

(4) repair;

of an automatic fire sprinkler system without a certificate of registration as an automatic fire sprinkler contractor issued by the commission under this chapter.

Sec. 2. An individual may not engage in the installation of an automatic fire sprinkler system without a certificate of registration as a journeyman automatic fire sprinkler fitter issued by the commission under this chapter.

Sec. 3. An individual may not engage in assisting an automatic fire sprinkler contractor or a journeyman automatic fire sprinkler fitter in the installation of an automatic fire sprinkler system without a:

(1) certificate of registration described in section 2 of this chapter; or

(2) certificate of registration as an automatic fire sprinkler

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1 system apprentice;
2 issued by the commission under this chapter.

3 Sec. 4. A person applying for a certificate of registration as an
4 automatic fire sprinkler contractor must:

- 5 (1) apply for the certificate of registration on a form
- 6 prescribed by the commission;
- 7 (2) comply with the requirements of this article and the rules
- 8 established by the commission; and
- 9 (3) pay the registration fee established by the commission
- 10 under section 9(a) of this chapter.

11 Sec. 5. A person applying for a certificate of registration as a
12 journeyman automatic fire sprinkler fitter must:

- 13 (1) apply for the certificate of registration on a form
- 14 prescribed by the commission;
- 15 (2) comply with the requirements of this article and the rules
- 16 established by the commission; and
- 17 (3) pay the registration fee established by the commission
- 18 under section 9(a) of this chapter.

19 Sec. 6. An individual applying for a certificate of registration as
20 an automatic fire sprinkler system apprentice must:

- 21 (1) apply for the certificate of registration on a form
- 22 prescribed by the commission;
- 23 (2) comply with the requirements of this article and the rules
- 24 established by the commission;
- 25 (3) enroll in an automatic fire sprinkler system apprenticeship
- 26 program approved by the commission; and
- 27 (4) pay the registration fee established by the commission
- 28 under section 9(a) of this chapter.

29 Sec. 7. A county or municipality may not require a certificate
30 holder to submit to any other form of registration except for that
31 required by the county or municipality for onsite automatic fire
32 sprinkler system installation. However, this article does not limit
33 the power of a county or municipality to regulate the quality and
34 character of work performed by a certificate holder through the
35 enforcement of building codes or by conducting inspections.

36 Sec. 8. A person that holds a certificate of registration under
37 this article must show the certificate of registration to another
38 person upon request.

39 Sec. 9. (a) The commission shall establish fees for the issuance
40 and renewal of a certificate of registration under this article by
41 rules adopted under IC 4-22-2.

42 (b) The commission may adopt other rules under IC 4-22-2

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necessary to implement this article.

Chapter 4. Renewal of Certificate of Registration

Sec. 1. A certificate of registration issued under this article expires two (2) years after it is issued.

Sec. 2. A person that applies to renew a certificate of registration as an automatic fire sprinkler contractor or a journeyman automatic fire sprinkler fitter:

- (1) must apply for certificate of registration renewal on a form prescribed by the commission;
- (2) must pay the renewal fee established by the commission;
- (3) if the person is an individual, must have completed not less than twenty-four (24) hours of continuing education as approved by the commission; and
- (4) must comply with other requirements established by the commission.

Sec. 3. An individual who applies to renew a certificate of registration as an automatic fire sprinkler system apprentice must:

- (1) apply to renew the certificate of registration on a form prescribed by the commission;
- (2) pay the renewal fee established by the commission;
- (3) have completed not less than twelve (12) hours of continuing education as approved by the commission; and
- (4) comply with other requirements established by the commission.

Sec. 4. A renewal fee required under this chapter must be paid in accordance with IC 25-1-8-2(d).

Chapter 5. Disciplinary Proceedings

Sec. 1. The commission may take disciplinary action against a certificate holder for any of the following violations:

- (1) Violating this article or rules adopted by the commission.
- (2) Making a false or materially misleading representation:
 - (A) in an application form or renewal form for a certificate of registration under this article; or
 - (B) in information provided to the commission.
- (3) Failing to pay fees or fines required under this article.
- (4) Communicating to the public false or misleading information concerning the certificate of registration held by a certificate holder.

Sec. 2. The procedures set forth in IC 4-21.5 govern the commission's conduct of disciplinary hearings.

Sec. 3. The commission may suspend a certificate of registration under IC 22-12-7-7(4)(B). The emergency suspension may be

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renewed, after a hearing, for up to ninety (90) days.

Sec. 4. A person that knowingly or intentionally conducts a business involving the installation, maintenance, replacement, or repair of an automatic fire sprinkler system or engages in the practical installation of an automatic fire sprinkler system and that:

- (1) presents as a person's own the certificate of registration of another;**
- (2) intentionally gives false or materially misleading information of any kind to the commission or to a commission member in connection with registration matters;**
- (3) impersonates another certificate holder;**
- (4) uses an expired, a suspended, or a revoked certificate of registration;**
- (5) fails to hold a valid certificate of registration issued under this article; or**
- (6) otherwise violates this article;**

commits a Class B misdemeanor.

Sec. 5. A:

- (1) person that applies for and is denied a certificate of registration; or**
- (2) certificate holder that is aggrieved by an order or a determination of the commission;**

is entitled to a judicial review under IC 4-21.5.

SECTION 9. [EFFECTIVE JULY 1, 2008] (a) The definitions in IC 25-16.5-2, as added by this act, apply throughout this SECTION.

(b) Notwithstanding IC 25-16.5-3, as added by this act, a person that, before July 1, 2010:

- (1) conducts a business involving the installation, maintenance, replacement, or repair of an automatic fire sprinkler system; or**
- (2) installs fire sprinklers;**

does not violate IC 25-16.5-3-1 or IC 25-16.5-3-2, both as added by this act, and may not be disciplined or sanctioned for failure to have a certificate of registration as an automatic fire sprinkler contractor or a certificate of registration as a journeyman automatic fire sprinkler fitter.

(c) Notwithstanding IC 25-16.5-3, as added by this act, an individual who, before July 1, 2010, assists in the installation of automatic fire sprinkler systems does not violate IC 25-16.5-3-3, as added by this act, and may not be disciplined or sanctioned for

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1 failure to have a certificate of registration as an automatic fire
2 sprinkler system apprentice.

3 (d) This SECTION expires January 1, 2011.

4 SECTION 10. [EFFECTIVE JULY 1, 2008] (a) Notwithstanding
5 IC 25-16.5-3-9, as added by this act, the fire safety and building
6 safety commission shall carry out the duties imposed upon the
7 commission under IC 25-16.5, as added by this act, under interim
8 written guidelines approved by the executive director of the
9 department of homeland security.

10 (b) This SECTION expires on the earlier of the following:

11 (1) The date rules are adopted under IC 25-16.5-3-9, as added
12 by this act.

13 (2) December 31, 2009.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1089, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

NIEZGODSKI, Chair

Committee Vote: yeas 7, nays 5.

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